

1 BARROWAY TOPAZ KESSLER  
2 MELTZER & CHECK, LLP  
3 NICHOLE BROWNING (251937)  
nbrowning@btkmc.com  
580 California Street, Suite 1750  
San Francisco, CA 94104  
4 Telephone: (415) 400-3000  
Facsimile: (415) 400-3001

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

\*\*E-Filed 1/20/2010\*\*

WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
FRANCIS M. GREGOREK (144785)  
gregorek@whafh.com  
BETSY C. MANIFOLD (182450)  
manifold@whafh.com  
RACHELE R. RICKERT (190634)  
rickert@whafh.com  
Symphony Towers  
750 B Street, Suite 2770  
San Diego, CA 92101  
Telephone: (619) 239-4599  
Facsimile: (619) 234-4599

*Co-Lead Counsel for Lead Plaintiffs*

[Additional counsel appear on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re SILICON STORAGE TECHNOLOGY,  
INC., DERIVATIVE LITIGATION

Master File No. C 06-04310 JF

**STIPULATION AND [PROPOSED]  
ORDER FOR MOTION TO DISMISS  
BRIEFING SCHEDULE**

Trial Date: None

This Document Relates To:  
ALL ACTIONS.

1           WHEREAS, on August 21, 2009, Lead Plaintiffs filed a Third Verified Consolidated  
2 Amended Shareholder Derivative Complaint (“Amended Complaint”);

3           WHEREAS, on September 24, 2009, Defendants moved to dismiss the Amended  
4 Complaint;

5           WHEREAS, a Case Management Conference and hearing for Defendants’ Motions to  
6 Dismiss has been set for February 5, 2010;

7           WHEREAS, counsel for the parties are in the process of finalizing an agreement in  
8 principle that was reached with the assistance of the Honorable William J. Cahill (Ret.) that would  
9 resolve the litigation;

10          WHEREAS, the parties anticipate they will be in a position to submit to the Court shortly a  
11 stipulation of settlement and motion for preliminary approval of the proposed settlement; and

12          WHEREAS, all parties agree that in the interests of judicial economy, Defendants’ Motions  
13 to Dismiss and the Court’s Case Management Conference, both currently scheduled for hearing on  
14 February 5, 2010, should be continued.

15          The parties hereby STIPULATE and AGREE, subject to Court approval, as follows:

16          1)       Lead Plaintiffs shall file an opposition to Defendants’ Motions to Dismiss by April  
17 8, 2010;

18          2)       If Defendants file and serve a reply to Lead Plaintiffs’ opposition, they will do so by  
19 April 16, 2010; and

20          3)       The hearing on Defendants’ Motions to Dismiss or other responsive pleading and  
21 Case Management Conference shall be set for April 30, 2010 or another day as ordered by the  
22 Court.

23          By executing this Stipulation, the parties have not waived and expressly retain all claims,  
24 defenses and arguments whether procedural, substantive or otherwise. This Stipulation is without  
25 prejudice to any subsequent motion to stay this action, or any objections or defenses thereto, and  
26 this Order is entered without prejudice to the rights of any party to apply for a modification of this  
27 Order.  
28

1 IT IS SO STIPULATED.

2 DATED: January 12, 2010

Respectfully Submitted,

3 BARROWAY TOPAZ KESSLER  
4 MELTZER & CHECK, LLP

5 /s/ Nichole Browning  
6 NICHOLE BROWNING

7 580 California Street, Suite 1750  
8 San Francisco, CA 94104  
9 Telephone: (415) 400-3000  
10 Facsimile: (415) 400-3001

11 -and-

12 ERIC L. ZAGAR  
13 JAMES H. MILLER  
14 280 King of Prussia Road  
15 Radnor, PA 19087  
16 Telephone: (610) 667-7706  
17 Facsimile: (610) 667-7056

18 WOLF HALDENSTEIN ADLER  
19 FREEMAN & HERZ LLP

20 /s/ Betsy C. Manifold  
21 BETSY C. MANIFOLD

22 FRANCIS M. GREGOREK  
23 RACHELE R. RICKERT  
24 Symphony Towers  
25 750 B Street, Suite 2770  
26 San Diego, CA 92101  
27 Telephone: (619) 239-4599  
28 Facsimile: (619) 234-4599

Co-Lead Counsel for Lead Plaintiffs

1 DATED: January 12, 2010

COOLEY GODWARD LLP  
JOHN DWYER

/s/ William Freeman  
WILLIAM FREEMAN

Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Telephones: 650-843-5000  
Facsimile: 650-857-0663

7 *Attorneys for Nominal Defendant, Silicon Storage*  
8 *Technology, Inc.*

9 DATED: January 12, 2010

10 MCDERMOTT, WILL & EMERY LLP

11 /s/ Matthew J. Jacobs  
MATTHEW J. JACOBS

12 *Attorneys for Director Defendants Tsuyoshi Taira,*  
13 *Yasushi Chikagami, Ronald Chwang, Terry*  
Nickerson, Bing Yeh and Yaw Wen Hu

14 DATED: January 12, 2010

15 HOGAN & HARTSON LLP

16 /s/ Howard S. Caro  
HOWARD S. CARO

17 *Attorneys for Officer Defendant Jeffrey Garon*

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Nichole T. Browning, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12th day of January, 2010, at San Francisco, California.

/s/ Nichole Browning

# **NICHOLE BROWNING**

\* \* \*

## ORDER

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN HEREIN, IT IS SO  
ORDERED.

DATED: 1/20/2010

Judge of the U.S. District Court  
Honorable Jeremy Fogel

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 12, 2010.

/s/ Nichole Browning  
**NICHOLE BROWNING**

**BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP**  
580 California Street, Suite 1750  
San Francisco, CA 94104  
Telephone: (415) 400-3000  
Facsimile: (415) 400-3001

1           **Mailing Information for a Case 5:06-cv-04310-JF**

2           **Electronic Mail Notice List**

3           The following are those who are currently on the list to receive e-mail notices for this case.

- 4           • **Norman J. Blears**  
[njblears@hhlaw.com](mailto:njblears@hhlaw.com),[dmsalvi@hhlaw.com](mailto:dmsalvi@hhlaw.com),[lasoboleva@hhlaw.com](mailto:lasoboleva@hhlaw.com),[djmelo@hhlaw.com](mailto:djmelo@hhlaw.com),  
[mdewers@hhlaw.com](mailto:mdewers@hhlaw.com),[kwong@hhlaw.com](mailto:kwong@hhlaw.com)
- 5
- 6           • **Nichole T. Browning**  
[nbrowning@btkmc.com](mailto:nbrowning@btkmc.com),[shebard@btkmc.com](mailto:shebard@btkmc.com)
- 7
- 8           • **Jessica Lee Canepa**  
[jcanepa@mwe.com](mailto:jcanepa@mwe.com),[clovda@mwe.com](mailto:clovda@mwe.com)
- 9
- 10          • **Howard S. Caro**  
[hscaro@hhlaw.com](mailto:hscaro@hhlaw.com),[esvanbourg@hhlaw.com](mailto:esvanbourg@hhlaw.com),[mdewers@hhlaw.com](mailto:mdewers@hhlaw.com),[kwong@hhlaw.com](mailto:kwong@hhlaw.com)
- 11          • **Angela Lucille Dunning**  
[adunning@cooley.com](mailto:adunning@cooley.com),[bgiovannoni@cooley.com](mailto:bgiovannoni@cooley.com)
- 12          • **Kristi Kaye Elder**  
[kelder@hhlaw.com](mailto:kelder@hhlaw.com),[dylewis@hhlaw.com](mailto:dylewis@hhlaw.com)
- 13
- 14          • **Lawrence Timothy Fisher**  
[ltfisher@bramsonplutzik.com](mailto:ltfisher@bramsonplutzik.com),[moldenburg@bramsonplutzik.com](mailto:moldenburg@bramsonplutzik.com)
- 15
- 16          • **William S. Freeman**  
[freemanws@cooley.com](mailto:freemanws@cooley.com),[galancr@cooley.com](mailto:galancr@cooley.com)
- 17
- 18          • **Matthew J. Jacobs**  
[mjacobs@mwe.com](mailto:mjacobs@mwe.com),[aleonetti@mwe.com](mailto:aleonetti@mwe.com)
- 19
- 20          • **Eugene S. Litvinoff**  
[elitvinoff@mwe.com](mailto:elitvinoff@mwe.com),[aleonetti@mwe.com](mailto:aleonetti@mwe.com)
- 21
- 22          • **Betsy Carol Manifold**  
[manifold@whafh.com](mailto:manifold@whafh.com)
- 23
- 24          • **Alan R Plutzik**  
[aplutzik@bramsonplutzik.com](mailto:aplutzik@bramsonplutzik.com)
- 25
- 26          • **Kathryn Anne Schofield**  
[kschofield@bramsonplutzik.com](mailto:kschofield@bramsonplutzik.com),[moldenburg@bramsonplutzik.com](mailto:moldenburg@bramsonplutzik.com)
- 27
- 28          • **Monique R. Sherman**  
[invalidaddress@invalidaddress.com](mailto:invalidaddress@invalidaddress.com)
- 29
- 30          • **Eric L. Zagar**  
[ezagar@btkmc.com](mailto:ezagar@btkmc.com),[rwinchester@btkmc.com](mailto:rwinchester@btkmc.com),[tkao@btkmc.com](mailto:tkao@btkmc.com),[der\\_filings@btkmc.com](mailto:der_filings@btkmc.com),[da libert@btkmc.com](mailto:da libert@btkmc.com)

1            **Manual Notice List**

2        The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case  
3        (who therefore require manual noticing). You may wish to use your mouse to select and copy this  
4        list into your word processing program in order to create notices or labels for these recipients.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- (No manual recipients)